

REMARKS

Reconsideration is respectfully requested for Claims 1-4, 6-10 and 22-24, as amended, said claims having been variously rejected under 35 U.S.C. 103 (a) based upon various combinations of Cunningham (U.S. 6,859,780), Borsand et al (U.S. 2003/0074225), Munoz et al (U.S. 2002/0052760), Rice et al (U.S. 2002/0042723) and Edelson et al (U.S. 5,737,539). These rejections are respectfully traversed.

Addressing first the Cunningham reference, the Examiner has referenced column 3, lines 54-67. Column 3, lines 54-67 of the Cunningham '780 patent is nothing more than keeping track of the number of refills that have been obtained as compared to the number of refills which remain to be filled. This is totally distinct from a system according to the present invention, which as claimed calls for determining prescriptive drug abuse, and the generation of electronic patterns indicative of such drug abuse.

Referring now to the Borsand reference, specifically paragraph 56 of Borsand. Paragraph 57, in its last four lines, indicates that the "automatic pre-certification 38 of all prescriptions 28 reduces the likelihood of fraudulent or abusive patient behavior." This reference totally fails to disclose the generation of electronic patterns to indicate prescription drug abuse. The pre-certification 38 is discussed in more detail in column 3, paragraph 33 but the pre-certification is issued before the system contemplated by the present invention ever kicks in and has nothing to do with prescriptive drug abuse being used to generate electronic patterns indicative of such drug abuse.

The Munoz reference is cited in its paragraph 49 for the proposition that it was known to provide an address of a respective purchaser of medicine, but the Munoz et al reference clearly has no teaching of generating an electronic flag to indicate prescription drug abuse.

The Rice reference is cited only to show that Rice discloses a plurality of entities and what those entities are but has no teaching or disclosure, or even a suggestion of generating electronic patterns indicative of prescription drug abuse.

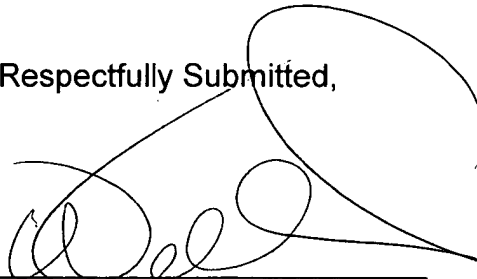
The Examiner has cited the Edelson reference, alleging in substance, that Edelson discloses generating patterns indicative of prescription drug abuse. A careful review of column 27, lines 32-54 of Edelson indicate no such disclosure. Column 27, lines 32-54 of Edelson specifically recites that “where a physician or perhaps pharmacist, if the patient's prescription history is available to the pharmacist, sees a similar current prior prescription has been issued, they can refuse to duplicate it.” This is nothing more than happenstance, at best. This is merely stating that if a physician or pharmacist just happens to see something he may refuse to duplicate it. This is the furthestest from being a teaching or disclosure or even a suggestion that electronic flags are generated as in the present invention which are indicative of prescription drug abuse.

Claims 1 and 22, the only independent claims now pending in this application, each call for the generation of electronic patterns based upon the prescription history which indicate prescription drug abuse. These independent claims 1 and 22, as well as the claims dependent thereupon, are believed to fully differentiate over the cited prior art. It is therefore respectfully requested that all

of the claims now pending herein be allowed and that the application be advanced to issue.

The attorney would welcome a telephone conference with the Examiner, should the Examiner be of the opinion that such a conference would facilitate the advancement of the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'W. E. Johnson, Jr.', written over a horizontal line.

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